IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 29th of June 2005
First Bail Application No.539/2005

Order on the bail application of accused

CRIMINAL SIDE

Chanchal Singh S/o Milkha Singh
R/o Vill. Fatehpur
P.S. Bazpur
District U. S. Nagar

……..….Applicant

Versus

State of Uttaranchal …...…….Opposite Party

Arising out of case crime No.776/2004
U/s 147, 148, 326, 452, 504, 506 I.P.C.
P.S. Bazpur
District U. S. Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri Dharam Veer senior counsel for the applicant and learned G.A. for the State.

I have perused the record. As per the prosecution version, the applicant had attacked on the head of Jagir Kaur by '*Saria*' so many times. The learned counsel for the applicant contended that Sewak Singh lodged the report against the applicant and other co-accused on 12.11.2004 alleging that the accused persons have looted his house and also misbehaved with his mother. On being made inquiry, it was revealed that the said incident was found false. In support of his argument, the learned counsel for the applicant has also filed the supplementary affidavit. The learned A.G.A. refuted the contention and submitted that it has been indicated in the statement recorded under section 161 Cr.P.C. that all the accused persons alongwith the applicant attacked on Jagir Kaur. The statement was recorded on 26.4.2005 after a lapse of five months. The learned counsel for the applicant contended that the statement recorded on 3.5.2005 is further improvement of the statement recorded on 26.4.2005. Considering the facts, totality and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J. C. S. Rawat, J.)

Dated 29.6.2005

LSR